

100-443887-100

cc: Clerk (orig)
Gary
Gene
Fred
Lou
Over

[F] WHEREAS, the Sussex County Department of Engineering and Planning, on behalf of the Township, submitted to the Department for review and approval a project specific amendment to the Sussex County-Wide WMP, for the

"Vernon Town Center and Mountain Creek Resort", that allows a proposed 265,000 gallons per day (gpd) Discharge to Groundwater, expansion of the Sussex County Municipal Utilities Authority (SCMUA) Upper Wallkill Regional Sewage Treatment Plant (STP), as well as the construction of a local wastewater collection system and a centralized sanitary sewage pump station and force main (connecting to the existing United Water wastewater conveyance to the SCMUA STP) to serve the Vernon Town Center Community Development Area (CDA), in accordance with the Water Quality Management Planning rules at N.J.A.C. 7:15. Public Notice of the proposed amendment was published at 36 N.J.R. 3932 (August 16, 2004). ; and

[G] WHEREAS, the Department has determined that the project specific amendment satisfies the requirements of the Water Quality Management Planning rules at N.J.A.C. 7:15 except for the absence of ordinances in the Township that address stormwater management, and the absence of an updated Vernon Township WMP component of the Sussex County-Wide WMP; and

[H] WHEREAS, as explained in the public notice of the project specific amendment, the Department required that, as a condition to the adoption of the project specific amendment to the Sussex County Water Quality Management Plan the Township agreed to enter into an Administrative Consent Agreement (ACA) with the Department in which the Township would commit to the following:

- a) update the Vernon Township WMP component of the Sussex County-Wide WMP;
- b) improve the alignment of the CDA, the SCMUA Vernon Township Sewer Service Area, and the Vernon Town Center Zoning

boundary lines by removing from the sewer service area several specified lots outside of the CDA that are currently designated as SCMUA Sewer Service Area, but are not currently served by wastewater collection systems; and

- c) Revise and refine their buildout analysis for the Department's approval once the realignment is accomplished.

[I] WHEREAS, the Township is a municipal corporate body, and pursuant to N.J.S.A. 40:48-2 any municipality may make, amend, repeal and enforce ordinances, regulations and rules as it may deem necessary and proper for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

[J] WHEREAS, the Township desires to proceed with the site specific amendment that includes the Vernon Town Center and Mountain Creek 265,000 gpd Discharge to Groundwater; and

[K] WHEREAS, The Department may proceed with a site specific amendment to a wastewater management plan in the absence of an updated wastewater management plan where the wastewater management planning agency has entered into a binding commitment with the Department pursuant to N.J.A.C. 7:15-5.1(d)1.

NOW THEREFORE, the Department and the Township hereby agree as follows:

1. Upon execution of this ACA by the Township and the Department, the Department shall approve the project specific amendment to the Sussex County-Wide WMP that includes the Vernon Town Center and Mountain Creek 265,000 gpd

Discharge to Groundwater, and publish notice of the adoption in the New Jersey Register in accordance with the Water Quality Management Planning rules at N.J.A.C. 7:15.

2. Within 90 days of the effective date of this ACA, the Township shall submit a Stormwater Management Plan conforming to and intended to implement the Stormwater Management Rules, N.J.A.C. 7:8, for Department review and approval.

3. Within 60 days of receipt, the Department agrees to approve, disapprove or recommend changes to the Stormwater Management Plan referenced in paragraph 2 above. If the Department disapproves the Stormwater Management Plan, the Department shall provide written notification to the Township and state the reasons for disapproval. The Township agrees to submit to the Department a revised Stormwater Management Plan that addresses the reasons for disapproval within 60 days of receipt of the Department's written notification.

4. Within 180 days of receipt of notification of approval of the plan by the Department, the Township of Vernon agrees to submit to the Department draft stormwater management ordinance(s) conforming to and intended to implement the Stormwater Management Rules, N.J.A.C. 7:8, for Department review and approval.

5. Within 60 days of receipt, the Department agrees to approve, disapprove or recommend changes to the draft ordinance(s) referenced in paragraph 4 above. If the Department disapproves the draft stormwater management ordinance(s), the Department shall provide written notification to the Township and state the reasons for disapproval. The Township of Vernon agrees to submit to the Department a revised

stormwater management ordinance(s) that addresses the reasons for disapproval within 60 days of receipt of the Department's written notification.

6. Within 60 days of receipt of notification of approval of the draft ordinance by the Department, the Township of Vernon shall adopt the approved stormwater management ordinance(s).

7. The Township agrees to submit a draft update to the Vernon Township WMP component of the Sussex County-Wide WMP in accordance with the Water Quality Management Planning rules at N.J.A.C. 7:15 for Department review and comment within six months of the effective date of this ACA. This update shall include the following:

a) The Township will remove several lots that are not currently served by a wastewater collection system from the existing Vernon Township Sewer Service Area (SSA). These lots are identified as follows: Block 231 Lots 7, 8.02 & 9, Block 233 Lot 9, Block 233.05 Lots 4, 5, & 6, Block 233.06 Lots 1 & 1.01, Block 141 Lot 16.01, and Block 183 Lots 11, 14, & 15. The portion of Block 141 Lot 16 that is outside the Community Development Area (CDA) will be removed from the SSA; the portion within the CDA will remain in the SSA. If prior to the update of the Vernon Township WMP component of the Sussex County-Wide WMP being adopted by the Department, an applicant requests Municipal Consent for a Department Treatment Works Approval (TWA) sewer collection line extension for any one of the aforementioned lots, and the applicant

has sufficient wastewater flow allocation from the preexisting 380,000 GPD allocation, has received preliminary site plan approval from the Vernon Township Planning Board or Zoning Board of Adjustment and has complied with all environmental regulations and ordinances, including but not limited to the stormwater regulations, wetlands regulations and the stream corridor buffer ordinance, the Township may issue Municipal Consent for the application to the Department.

- b) The Township will revise and refine the buildout analysis to reflect the proposed realignment of the SSA. Any excess flow allocation resulting from the removal of the lots may be reserved for infill use in accordance with the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq...
- c) Since Block 142 Lot 13 and Block 144 Lots 1 and 1.01 are mapped by the Department as "Forest Critical Habitat", the Township will remove them from the Vernon Town Center (TC) Zone to be aligned with the CDA boundary.
- d) Block 232 Lots 8.03,10,11,11.01,12,12.03,9 & 12.01, Block 231 14, 13,14.01,14.03 & 15, located within the McAfee C-2 zone, will remain in the SSA in the WMP update.
- e) The Township will revise the Stream Corridor Ordinance #04-04 to reflect the C1 stream 300 foot buffer requirement.

f) The Township will develop, with the assistance of the Department and the New Jersey Geological Service (NJGS), a realistic water budget for Vernon Township as part of the WMP update. This water budget will be developed to avoid any additional stream baseflow reduction beyond which would have occurred as a result of the current SSA's 380,000 GPD sewage allocation and the current projected buildout analysis that was allowed prior to this amendment. The Department and the NJGS will provide guidance and input in the development of the specific objectives and methods to be used by Vernon Township in order to obtain the water budget.

8. The Department shall notify the Township in the event of noncompliance by the Township with the terms of this ACA. The Department will not process any further amendment(s) and or revision /planning actions affecting the Wastewater Management Plan or the Water Quality Management Plan affecting the Township of Vernon until the noncompliance is remedied.

9. No modification or waiver of this ACA shall be valid except by written amendment duly executed by all of the parties hereto.

10. This ACA and the proposed amendment to the Sussex County Water Quality Management Plan, public noticed at 36 N.J.R. 3932 (August 16, 2004) contains the entire understanding of the parties, and there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.

11. The person signing this ACA on behalf of the Township of Vernon represents and warrants that he is an authorized representative of the Township and that the execution of this ACA by him on behalf of the Township has been duly authorized by resolution of the Township's governing body.

12. This ACA shall become effective upon the execution hereof by all parties.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DATE: 2/23/05 By: Lawrence J. Baier
Lawrence J. Baier, Director
Division of Watershed Management

THE TOWNSHIP OF _____

DATE: _____ By: [Signature]

STATE OF NEW JERSEY

**ADMINISTRATIVE CONSENT AGREEMENT
CONCERNING THE TOWNSHIP OF VERNON
WASTEWATER MANAGEMENT PLAN**

**BY
NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND
THE TOWNSHIP OF VERNON, SUSSEX COUNTY
ADDENDUM**

[A] WHEREAS, paragraphs 2 through 6 of the original agreement were intended to satisfy the requirements of the Water Quality Management Planning Rules at N.J.A.C. 7:15 by developing a Stormwater Management Plan to implement the Stormwater Management Rules at N.J.A.C. 7:8; and

[B] WHEREAS, Vernon Township is required to develop a Stormwater Management Plan and adopt implementing ordinances under the requirements of the NJPDES Stormwater Rules at N.J.A.C. 7:14A

NOW THEREFORE, the Department and the Township hereby agree as follows:

1. Upon execution of this addendum to the original ACA, paragraphs 2 through 6 will be considered null and void and the Township will prepare a Municipal Stormwater Management Plan in accordance with the requirements of the NJPDES Stormwater Rules at N. J.A.C. 7:14A.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DATE: 2/23/05 By: Lawrence J. Baier

**Lawrence J. Baier, Director
Division of Watershed Management**

THE TOWNSHIP OF Vernon

DATE: 2/23/05 By: Don Teolis

Don Teolis, Township Manager